

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

STUART NITZKIN,

Case No. 23-CV-175 (NEB/DLM)

Petitioner,

v.

**ORDER ACCEPTING REPORT AND
RECOMMENDATION**

B. EISCHEN,

Respondent.

The Court has received the January 22, 2024 Report and Recommendation of United States Magistrate Judge Douglas L. Micko. (ECF No. 16.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 16) is ACCEPTED;
2. The Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1) is DENIED;
3. Petitioner's Motion for Summary Judgment (ECF No. 10) is DENIED; and
4. The action is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 16, 2024

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge